



Colac Otway Shire

Restructure Plans for Old and Inappropriate Subdivisions in Colac Otway Shire

December 2012

Introduction

This document is incorporated into the Colac Otway Planning Scheme pursuant to Clause 81 and has statutory effect in relation to administration of the Restructure Overlay (RO) under that Scheme at Clause 45.05.

Four precincts of rural land have been included in the Restructure Overlay through Planning Scheme Amendment C69. They include land at:

- Cressy
- Pirron Yallock
- Irrewillipe
- Gerangamete

This document outlines the approach to be taken when considering planning permit applications for subdivision and/or dwellings on land contained within the Restructure Overlay in each of these locations.

Strategic Basis

The Colac Otway Shire Rural Living Strategy (2011) identified a small number of rural areas of the Shire where the allotment pattern consisted of a concentration of small sized lots held in a small number of land ownerships. These precincts are all in the Farming Zone and are currently used for a range of rural uses. They are each distinctive from the larger lots in surrounding areas, and in some cases, represent on paper the layout of an urban settlement. For various reasons these properties have never been developed for the purpose of settlements (or at a density representative of settlements).

A Restructure Overlay has been introduced to these precincts as recommended in the Rural Living Strategy in order to prevent the land holdings from being further fragmented by the sale of individual lots to different owners for development of a dwelling. Whilst in each instance a planning permit would be required for a dwelling on a lot below 40 hectares in area under the Farming Zone provisions, the Restructure Overlay was considered desirable to clearly flag to current and future land owners the intention that development of these concentrations of lots for dwellings was not considered appropriate on planning grounds. The desire was to put in place a statutory tool which implemented a control to limit the develop potential of the precincts.

The key purpose of the Plan is to prevent the development of more than one dwelling on tenements that were existing at the time the Plan was prepared.

The Rural Living Strategy acknowledges the importance of agriculture to the economy of the Shire, and contains a range of policy directions that discourage dwellings not necessary to support a bona fide agricultural enterprise. It further

directs residential demand into defined Rural Living Zone areas and smaller townships so as to protect agricultural land from ad-hoc rural lifestyle development. It also highlights the environmental constraints affecting vast areas of the Shire in terms of flooding, bushfire risk, declared water catchments, landslip, and the like.

Objectives

This document aims to achieve the following objectives:

- Protect agricultural land by avoiding the fragmentation of land within the Restructure Overlay, and enabling the retention of land in agricultural production.
- Minimise new residential development in areas where there is no supporting infrastructure or services and ensure that new rural lifestyle development is directed to within the settlement boundaries of small towns in the Shire, or to designated rural residential areas zoned Rural Living Zone.
- Encourage the consolidation of allotments within land tenements affected by the Restructure Overlay.
- Limit the establishment of dwellings on allotments incapable of supporting development that meets current standards in relation to wastewater treatment.
- Limit new development in areas affected by environmental constraints such as flooding.

Requirements

The four precincts affected by the Restructure Overlay are identified on the plans forming part of this document.

Each of the plans identifies allotments which were held in common ownership at the time of the introduction of the Restructure Overlay, each one being marked with a corresponding letter of the alphabet.

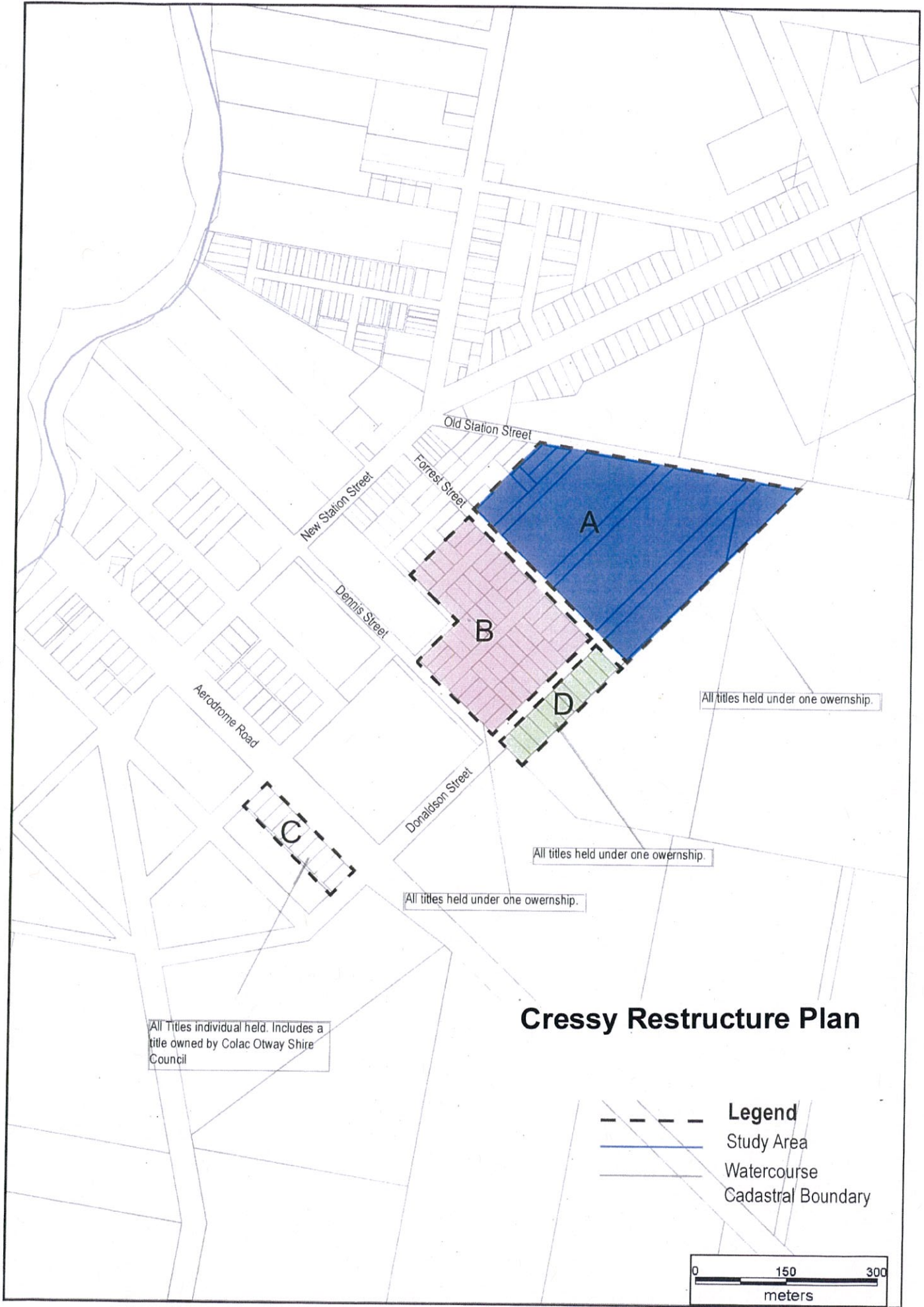
The following requirements apply to new dwellings:

1. No more than one dwelling (including any existing dwellings) must be established on each of the tenements of land held in common ownership at the time of preparation of the plan as shown on the Restructure Plans.
2. If a planning permit is granted for a dwelling, a condition must be included on the permit that all land within the tenement be consolidated to form a single allotment.

3. An application for a permit for a dwelling must demonstrate that the requirements of the Farming Zone, applicable overlays, and relevant local and State planning policies are satisfied.




It should not be inferred that this Plan indicates that planning permit applications on any land affected by this Plan will be supported – the merits of applications will be assessed under the relevant planning scheme provisions.

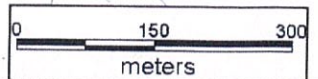
Re-subdivision of land should not be permitted unless it results in consolidation of lots.



Cressy Restructure Plan

Legend

-  Study Area
-  Watercourse
-  Cadastral Boundary



All Titles individual held. Includes a title owned by Colac Otway Shire Council

All titles held under one ownership.

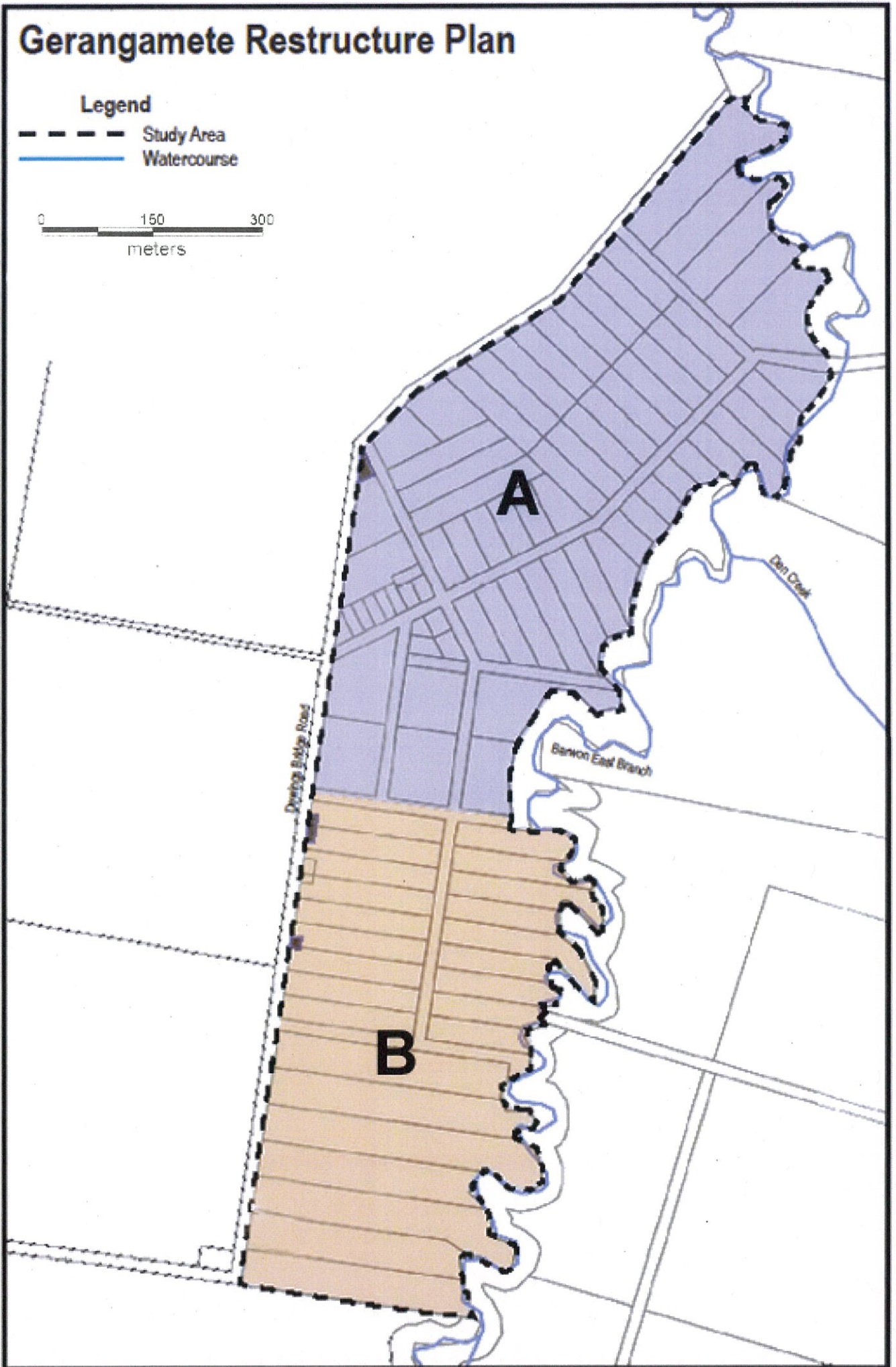
All titles held under one ownership.

All titles held under one ownership.

Gerangamete Restructure Plan

Legend

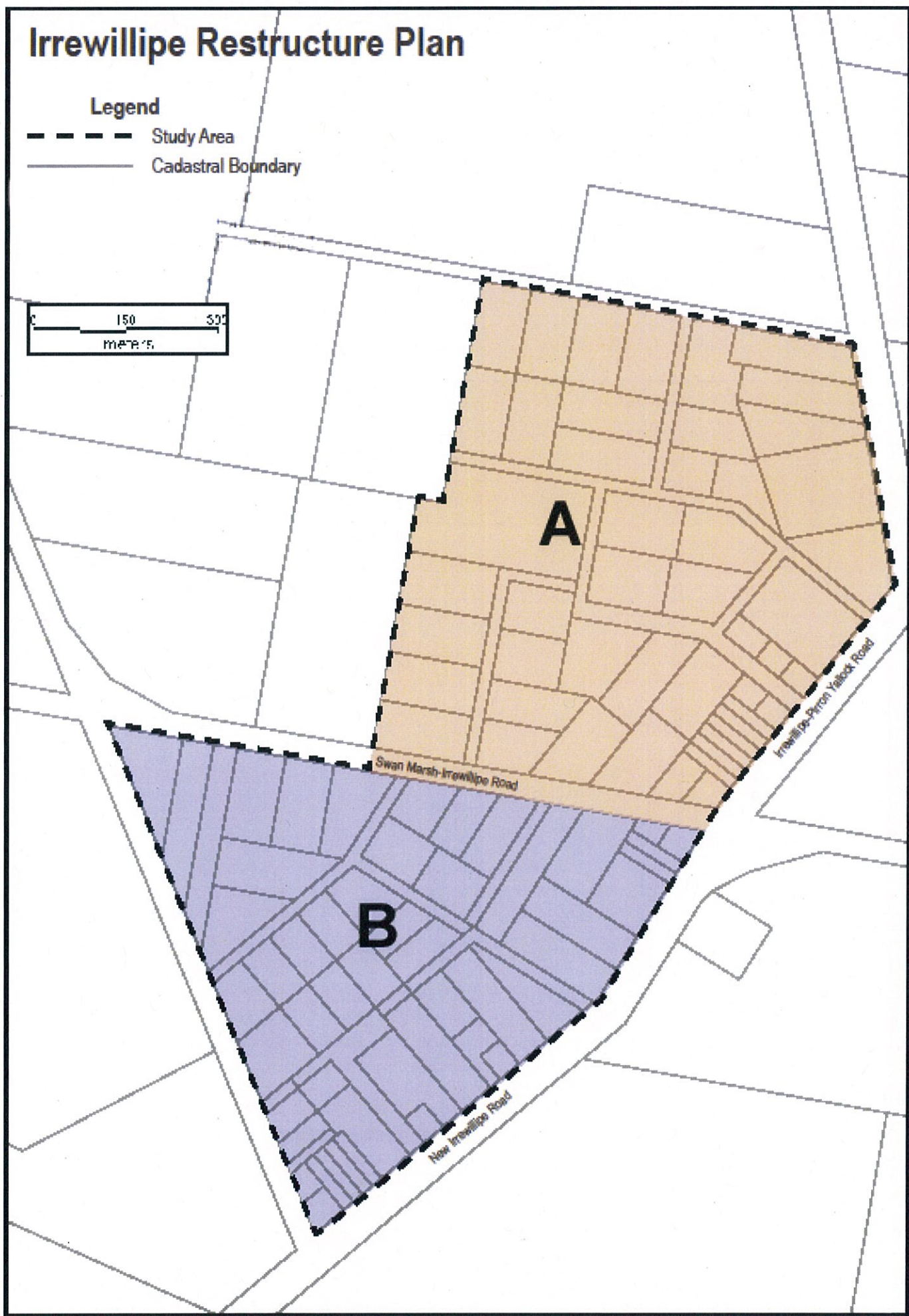
- - - - - Study Area
- Watercourse



Irrewillipe Restructure Plan

Legend

- Study Area
- Cadastral Boundary



Pirron Yallock Restructure Plan

Legend

- Study Areas
- Water Course
- Cadastral Boundary

